

## REMARKS

Entry of the foregoing amendments, and reexamination and reconsideration of the subject application, pursuant to and consistent with 37 C.F.R. § 1.104 and § 1.112, and in light of the following remarks, are respectfully requested.

### Amendments

Claim 1 has been amended by incorporating claim 3 therein; the dependency of claims 4-5 have thus been changed. Claims 16 and 19-21 have been cancelled without prejudice or disclaimer. Claim 17 has been amended to recite the positioning of the tiles and the presence of a grout frame. The spelling of "moulding" has been corrected. No new matter is added.

### Drawings

Formal drawings are submitted with this correspondence.

### Rejection under 35 U.S.C. 112[2]

This rejection with respect to claim 3 should now be withdrawn as the portion of claim 3 found objectionable (now present in claim 1 as amended) has been changed to recite "a grouting component" on the underside of the frame, thereby providing an antecedent.

The rejection of claim 18 hereunder should be withdrawn in light of the amendment to claim 17 reciting a grout frame.

Claim 20 has been cancelled, so the rejection of this claim is now moot.

### Rejections under 35 U.S.C. §102

The various rejections hereunder are respectfully traversed.

The rejection over Jalbert alleges that element 4 is a grouting that can be left in place. Rather, element 4 is "trimming" (col. 4, ln. 40) that is overlain on the trimmed upper edges 17 of the underlying frame. In fact, after pouring but before setting the trimming is applied (col. 4, ln. 59-65; this seems impossible because the upper edges are covered with the settable material). In contrast, claim 1 now requires a grout frame able to maintain its shape in plan. Jalbert provides no

description or drawing that the trimming is other than individual strips of material rather than a frame structure, to say nothing of grouting. Further, the trimming of Jalbert is designed to be removed and filled with an elastomer (or left as a groove) rather than having, as claimed, a grout frame having a portion left *in situ*. As claims 2, 8, 10, and 15 are dependent on claim 1, this rejection should now be withdrawn.

The rejection over Al-Saleh is moot as claim 16 has been cancelled.

Johnson (GB 2 129 468) fails to disclose a grouting frame as now recited in claim 17. Nor are the tiles of Johnson positioned over a corresponding compartment, but rather are merely placed on the settable material and, in fact, extend beyond the edges of the frame (p. 2, col. 1, ln. 63-64). In addition, without a grouting frame, the slabs 7 of Johnson cannot lie on the grouting frame, as now recited in claim 17. Accordingly, this rejection should now be withdrawn.

The rejections over Bates and Thomasson are moot as claims 19-21 have been cancelled.

#### Rejection under 35 U.S.C. §103

The rejection of claims 9 and 14 as obvious over the combination of Jalbert and Al-Saleh is respectfully traversed.

These claims depend from claim 1. As noted above, Jalbert does not provide a frame, especially a grouting frame, sufficiently rigid to maintain its shape in plan. Al-Saleh does not cure this deficiency.

Further, Al-Saleh only teaches openings (7, 14) sufficient to join the unit (10) to the concrete (col. 6). Such openings are not necessarily sufficient to allow the settable material to flow from one compartment to an adjacent compartment through the opening(s), as required by claim 9. Accordingly, this rejection should now be withdrawn.

#### Conclusion

In light of the foregoing amendments and remarks, withdrawal of the rejections, and issuance of a notice of allowance, are believed to be next in order, and such actions are earnestly solicited.